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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,295	11/29/2001	Nils Alveby	32207	1433

23589 7590 03/03/2003

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,295

Applicant(s)

ALVEBY, NILS

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION***Drawings***

The drawings are objected to because the crosshatch is missing from the pipe nipple in figure 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: a. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: α . A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 9, lines 27-29, recites, "This prolonged bead portion 13' is located at the second portion 11, i.e. the first portion 10"; however, it is not clear to the examiner what this means.

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Appropriate correction is required.

Claim Objections

Claims 2 and 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claims 2 and 6 further define function elements, not the claimed structural element, that are given very little patentable weight.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the bead" in line 2; and claim 16 recites the limitation "the outer side" in lines 1-2. There is insufficient antecedent basis for these limitations in the claims.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3, 5-8, 10-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6,039,001, Sanford.

In regards to claim 1, Sanford discloses a hose device (204) comprising a hose portion (212); at least a first end portion (207); a channel which extends along the hose device through the first end portion and the hose portion; and a transition portion (210) which is located between the first end portion and the hose portion, wherein the hose device has flexible and elastic properties, wherein the first end portion of the hose device in a mounted state is arranged to be attached to a tubular connection member by having the connection member introduced in the channel, and wherein the channel extends through the transition portion and in a non-mounted state has a non-circular cross-section shape at the transition portion that the channel in the mounted state forms a substantially circular cross-sectional shape.

In regards to claim 2, Sanford discloses the connection member having an end surface, which is obliquely cut, wherein the hose device in the mounted state is

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arranged to be attached to the connection member in such a way that the connection member extends into the transition portion.

In regards to claim 3, Sanford discloses a connection member (not shown but implied), wherein the connection member has an outer surface, which seen in a cross-sectional view is substantially circular.

In regards to claim 5, Sanford discloses the cross-sectional shape of the channel forming a first outward portion including a radius (r) and a second outwardly extending portion.

In regards to claim 6, Sanford discloses the hose device being arranged to be located in such a rotary position in relation to the connection member that the second portion in the mounted state is directed toward the obliquely cut end surface.

In regards to claim 7, Sanford discloses the radius (r) being substantially constant.

In regards to claim 8, Sanford discloses the channel having a longitudinal center axis (x), wherein a distance (a) between the second portion and the center axis (x) is larger than the radius (r) seen in a cross-section through the transition portion.

In regards to claim 10, Sanford discloses the first end portion including an end surface which having a chamfered portion.

In regards to claim 11, Sanford discloses the cross-sectional shape of the channel forming a first portion and a second portion, and wherein the second portion of the channel and the chamfered portion are located substantially straight after each other seen in the extension of the hose device.

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In regards to claim 12, Sanford discloses the hose device, at least at the transition portion, having an outer surface, which seen in a cross-sectional view is substantially circular.

In regards to claim 16, Sanford discloses the hose device at the outer side being provided with grooves which extend in the longitudinal direction (x) of the hose device over substantially the whole transition portion in such a way that the hose device has a tooth wheel-like shape seen in a cross-section through the transition portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanford.

Sanford discloses the claimed invention except for the channel in the non-mounted state having an egg-like cross-sectional shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the channel in the nonmounted state with an egg-like cross-sectional shape, since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

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Claims 1-4, 6, 10, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 4,324,201, Larson in view of US patent 6164243, Larson.

In regards to claim 1, Larson '201 discloses a hose device (10) comprising a hose portion (14); at least a first end portion (34); a channel which extends along the hose device through the first end portion and the hose portion; and a transition portion (30) which is located between the first end portion and the hose portion, wherein the hose device has flexible and elastic properties, wherein the first end portion of the hose device in a mounted state is arranged to be attached to a tubular connection member (20) by having the connection member introduced in the channel, and wherein the channel extends through the transition portion and the channel in the mounted state forms a substantially circular cross-sectional shape. Larson '201 does not disclose the channel in a non-mounted state having a non-circular cross-section shape at the transition portion. In figure 3, Larson '243 discloses a channel in a non-mounted state having a non-circular cross-section shape to provide the capability "of moving from a closed position to an open position at a higher rate" (col. 2, lines 36-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a channel in a non-mounted state with a non-circular cross-section shape to provide the capability of moving from a closed position to an open position at a higher rate, as taught by Larson '243.

In regards to claim 2, Larson '201 discloses the connection member having an end surface, which is obliquely cut, wherein the hose device in the mounted state is

arranged to be attached to the connection member in such a way that the connection member extends into the transition portion.

In regards to claim 3, Larson '201 discloses a connection member, wherein the connection member has an outer surface, which seen in a cross-sectional view is substantially circular.

In regards to claim 4, Larson '243 discloses the channel in the non-mounted state having an egg-like cross-sectional shape.

In regards to claim 6, Larson '201 discloses the hose device being arranged to be located in such a rotary position in relation to the connection member that the second portion in the mounted state is directed toward the obliquely cut end surface.

In regards to claim 10, Larson '201 discloses the first end portion including an end surface which has a chamfered portion (see figure 5).

In regards to claim 12, Larson '201 discloses the hose device, at least at the transition portion, has an outer surface, which seen in a cross-sectional view is substantially circular.

In regards to claim 13, Larson '201 discloses the hose device at the transition portion having a larger wall thickness than at the first end portion and the hose portion.

In regards to claim 14, Larson '201 discloses a bead (35) which extends around the hose device and in the longitudinal direction (x) of the hose device over substantially the whole transition portion.

In regards to claim 16, Larson '201 discloses the hose device at the outer side being provided with grooves which extend in the longitudinal direction (x) of the hose

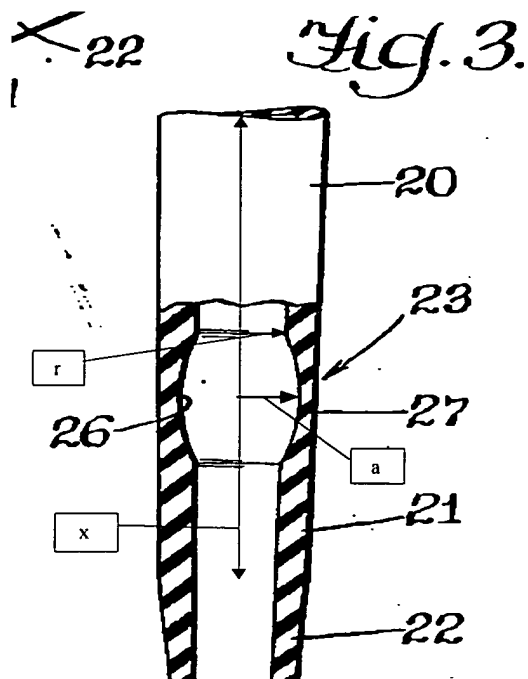
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device over substantially the whole transition portion in such a way that the hose device has a tooth wheel-like shape seen in a cross-section through the transition portion.

Claims 5, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson '201 in view of Larson '243, in further view of US patent 2694379, Hein.

In regards to claim 5, Larson '201 in view of Larson '243 discloses the claimed invention except for the cross-sectional shape of the channel forming a first outward portion including a radius (r) and a second outwardly extending portion. In figure 3 below, Hein teaches the cross-sectional shape of the channel forming a first outward portion including a radius (r) and a second outwardly extending portion "to provide an improved milker" (col. 1, line 78). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the cross-sectional shape of the channel with a first outward portion including a radius (r) and a second outwardly extending portion to provide an improved milker, as taught by Hein.

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In regards to claim 7, Hein discloses the radius (r) being substantially constant.

In regards to claim 8, in figure 3 above, Hein discloses the channel having a longitudinal center axis (x), wherein a distance (a) between the second portion and the center axis (x) is larger than the radius (r) seen in a cross-section through the transition portion.

In regards to claim 9, Hein discloses the distance (a) increasing along the transition portion in a direction from the first end portion to a maximum value, whereafter the distance (a) decreases in a direction towards the hose portion.

In regards to claim 11, Hein discloses the cross-sectional shape of the channel forming a first portion and a second portion, and wherein the second portion of the channel and the chamfered portion are located substantially straight after each other seen in the extension of the hose device.

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In regards to claim 15, Larson '201 discloses the cross-sectional shape of the channel forms a first portion and a second portion, and wherein the bead has a longer extension in the longitudinal direction (x) of the hose device at the second portion than at the first portion.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, because it illustrates the current state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd *WJ*
February 22, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670